IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1175/2006
(Govind Ram Vs. State of Rajasthan & Anr.)

Date of Order : 03/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Chaitanya Gehlot for the petitioner.
Mr. Ashok Upadhyay, public prosecutor
Mr. M.K.Garg for the non-petitioner No.2.

BY THE COURT:-

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 23.8.2006 passed by Judicial Magistrate, First Class, Sujangarh, district Churu (for short 'the trial court' hereinafter) whereby the application filed by the petitioner seeking to incorporate date as 13.10.2003 in place of 13.10.2002 in third line of para 4 of the complaint was dismissed.

It appears that the notice demanding the cheque amount was sent to the non-petitioner No.2 by the petitioner through his counsel by registered post on 13.10.2003. The postal endorsement RLAD 182 dated 13.10.2003 clearly shows that the said notice was sent on 13.10.2003 by the concerned

post office which is evident from the postal receipt. Thus, in para No.4 of the complaint instead of 13.10.2003 due to typographical error, the date of sending the notice has been typed as 13.10.2002. When postal receipt shows that notice has been sent on 13.10.2003, there can be no reason to deny the complainant to incorporate the correct date which obviously appears to be a typographical error. In the circumstances, therefore, the petition deserves to be allowed.

In the result, the petition is allowed. The order impugned dated 23.8.2006 is set aside. The application filed by the petitioner seeking to correct the date is allowed. The trial court shall allow the petitioner to incorporate the correct date i.e. 13.10.2003 in place of 13.10.2002 in third line of para No.4 of the complaint.

(H.R.PANWAR),J.

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